

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

ACS Technologies Group, Inc.,	)	C/A No. 4:12-cv-03319-RBH-KDW
	)	
	)	
Plaintiff,	)	
	)	
v.	)	ORDER
	)	
Cliff Smith,	)	
	)	
Defendant.	)	
	)	
	)	

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Plaintiff/Counter-Defendant, ACS Technologies Group, Inc., (“ACS”) brought this action against Defendant/Counter-Claimant, Cliff Smith, (“Smith”) alleging default on a note and seeking monies owed pursuant to terms of the Guarantee. ECF No. 1. On February 11, 2013, Smith answered and filed a Counterclaim. ECF No. 8. On January 22, 2015, ACS filed a Motion for Summary Judgment on all causes of action in ACS’s Complaint and on Smith’s Counterclaim. ECF No. 69. Because Smith is now proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of such motions and of the need for him to file an adequate response. ECF No. 71. Smith was specifically advised that if he failed to respond adequately, ACS’s Motion may be granted, thereby finding for ACS and ending Smith’s case against ACS.

Notwithstanding the specific warning and instructions set forth in the court’s *Roseboro* order, Smith has failed to respond to the Motion. As such, it appears to the court that he does not oppose the Motion and wishes to abandon his action against ACS. Based on the foregoing, Smith is directed to advise the court whether he wishes to continue with this case and to file a response to ACS’s Motion for Summary Judgment **no later than March**

**19, 2015.** Smith is further advised that if he fails to respond, the undersigned will recommend dismissing his cause of action against ACS with prejudice for failure to prosecute and granting ACS judgment as a matter of law on its claim. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b) and 56(c).

IT IS SO ORDERED.

March 5, 2015  
Florence, South Carolina

A handwritten signature in black ink, reading "Kaymani D. West". The signature is written in a cursive, flowing style.

Kaymani D. West  
United States Magistrate Judge